



Order Filed on May 12, 2020  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR 9004-1(b)**

Brian C. Nicholas  
KML Law Group, PC  
216 Haddon Avenue, Suite 406  
Westmont, NJ 08108  
The Bank of New York Mellon F/K/A The Bank of  
New York as Trustee for the Certificate Holders of  
CWMBS, Inc., CHL Mortgage Pass-Through Trust  
2005-12 Mortgage Pass-Through Certificates, Series  
2005-12

**In Re:**

Alex, Azzari J. dba Azzari Builders, Inc. dba  
Alessio Azzari, Inc. dba Artex Concrete  
Construction Co., Inc. dba Azzari Developers,  
LLC

Case No: 19-30666 ABA

Hearing Date: 5/19/2020

Judge: Andrew B. Altenburg Jr.

Recommended Local Form:

☐

Followed

☐

Modified

**ORDER VACATING STAY**

The relief set forth on the following page is hereby ordered **ORDERED**.

**DATED: May 12, 2020**

  
\_\_\_\_\_  
Honorable Andrew B. Altenburg, Jr.  
United States Bankruptcy Court

Upon the motion of The Bank of New York Mellon F/K/A The Bank of New York as Trustee for the Certificate Holders of CWMBS, Inc., CHL Mortgage Pass-Through Trust 2005-12 Mortgage Pass-Through Certificates, Series 2005-12, under Bankruptcy Code section 362(a) for relief from the automatic stay as to certain property as hereinafter set forth, and for cause shown, it is

ORDERED that the automatic stay is vacated to permit the movant to institute or resume and prosecute to conclusion one or more actions in the court(s) of appropriate jurisdiction to pursue the movant's rights in the following:

☒ Real Property More Fully Described as:

**Land and premises commonly known as 313 Swedesboro Rd, Monroeville NJ 08343**

☐ Personal Property More Fully Describes as:

It is further ORDERED that the movant, its successors or assignees, may proceed with its rights and remedies under the terms of the subject mortgage and pursue its state court remedies including, but not limited to, taking the Property to Sheriff's Sale, in addition to potentially pursuing other loss mitigation alternatives, including, but not limited to, a loan modification, short sale or deed-in-lieu foreclosure. Additionally, any purchaser of the property at sheriff's sale (or purchaser's assignee) may take any legal action for enforcement of its right to possession of the property.

It is further ORDERED that the movant may join the debtor and any trustee appointed in this case as defendants in its action(s) irrespective of any conversion to any other chapter of the Bankruptcy Code.

The movant shall serve this order on the debtor, any trustee and any other party who entered an appearance on the motion.